

STIP

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

11 || VS.

RENATO CONSUEGRA-CLEMENTE,
Aka "Tito," and FRANCISCO JAIVER
MARES, Aka "Pancho."

Defendants

Case No: 2:20-CR-00018-JCM-EJY

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL DATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Alison Reese, Assistant United States Attorney, counsel for the United States of America, Adam Gill, Esq. and Michael N. Aisen, Esq., of Aisen, Gill & Associates, counsel for Defendant FRANCISCO MARES, and Rene L. Valladares, Federal Public Defender, and Paul D. Riddle, Assistant Federal Public Defender, counsel for Defendant RENATO CONSUEGRA-CLEMENTE, that the trial currently set for April 20, 2020 at 9:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

This stipulation is entered for the following reasons:

1. The parties have discussed this matter and in light of the concerns surrounding the COVID-19 virus, it is in the best interest of the Government and the Defendants that this

matter be continued.

2. In addition, counsel for the defendants need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.
3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow counsel for defendants sufficient time within which to be able to effectively and completely investigate the discovery materials provided.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requests by this Stipulation is excludable in putting the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).
8. This is the first request to continue trial dates filed herein.

DATED this 6th day of April, 2020.

20 */s/ Adam L. Gill*

21 Adam L. Gill, Esq.
22 Counsel for Defendant
23 Francisco Mares

24 */s/ Allison Reese*

25 Allison Reese, Esq.
26 Attorney for the United States
27 Assistant United States Attorney

28 */s/ Paul D. Riddle*

29 Assistant Federal Public Defender
30 Counsel for Defendant
31 Renato Consuegra-Clemente

1 **FOF**

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11 Francisco Mares

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 RENATO CONSUEGRA-CLEMENTE,
18 Aka "Tito," and FRANCISCO JAIVER
19 MARES, Aka "Pancho,"

20 Defendants.

21 Case No: 2:20-CR-00018-JCM-EJY

22 **ORDER**

23 **FINDINGS OF FACT**

24 Based on the stipulation of Counsel, and good cause appearing, the Court finds that:

- 25 1. The parties have discussed this matter and in light of the concerns surrounding the
26 COVID-19 virus, it is in the best interest of the Government and the Defendants that this
27 matter be continued.
- 28 2. In addition, counsel for the defendants need additional time to conduct investigation in this
29 case in order to determine whether there are any pretrial issues that must be litigated and
30 whether the case will ultimately go to trial or will be resolved through negotiations.
- 31 3. Mr. Mares is not in custody and he agrees with this continuance.
- 32 4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
- 33 5. The parties agree to the continuance.

1 6. The additional time requested herein is not sought for purposes of delay, but to allow
 2 counsel for defendants sufficient time within which to be able to effectively and
 3 completely investigate the discovery materials provided.

4 7. Additionally, denial of this request for continuance could result in a miscarriage of justice.
 5 The additional time requests by this Stipulation is excludable in putting the time within
 6 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
 7 States Code, Section 3161(h)(7)A), considering the factors under Title 18, United States
 8 Code, Section 3161(h)(7)(B)(i), (iv).

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CONCLUSIONS OF LAW

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11 The ends of justice served by granting said continuance outweigh the best interest of the
 12 public and the defendants in a speedy trial, since the failure to grant said continuance would be
 13 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
 14 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
 15 account the exercise of due diligence.

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17 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
 18 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
 19 Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(i), (iv).

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ORDER

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22 IT IS THEREFORE ORDERED that the calendar call currently scheduled for April 15,
 23 2020, at the hour of 1:30 p.m., be vacated and continued to August 5, 2020 at the hour of
 24 1:30 p.m.; and the trial currently scheduled for April 20, 2020, at the hour of 9:00 a.m., be
 25 vacated and continued to August 10, 2020 at the hour of 9:00 a.m.

26 Dated April 8, 2020.

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Xemus C. Mahan
 UNITED STATES DISTRICT JUDGE

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